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NEW YORK DAILY NEWS
8 AUGUST 1980

Civiletti's stall puts Billy affair in more serious light

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Washington—Attorney General Benjamin Civiletti's disclosure that he sat on intelligence information that Billy Carter was in line for a payoff from the Libyan government for more than six weeks before passing it on to investigators elevates the "Billy affair" from a comic caper to a potentially serious official scandal.

Sen. Bob Dole (R-Kan.), a member of the special Senate subcommittee investigating the matter, said yesterday that Civiletti's actions "raise serious questions, including the possibility that the attorney general of the United States deliberately obstructed justice."

Civiletti had already been under investigation by the Justice Department's Office of Professional Responsibility for telling President Carter on June 17 that his brother Billy "probably would not be prosecuted" if he voluntarily registered as a foreign agent for Libya, an action that Billy belatedly took on July 14.

Civiletti made that damaging admission on July 25, the day after he insisted under questioning by reporters that he had never discussed the Billy case with the President.

MICHAEL SHAHEEN, THE HEAD of the Office of Professional Responsibility, let it be known Wednesday that he was now broadening his investigation of Civiletti to include the attorney general's handling of the intelligence information on the Libyan "loan" to Billy Carter.

Deputy Attorney General Charles B. Renfrew has signed an order giving widespread criminal investigation powers to Shaheen, including the authority to apply for warrants and subpoenas, to present evidence to a federal grand jury and to extend his investigation to "any offenses arising from the activities of Billy Carter" in or out of government.

Also included in Shaheen's purview are allegations of "improper disclosures of information relating to the investigation of Mr. Carter and possible improper disclosure of confidential information to Mr. Carter or others, relating to Mr. Carter's activities."

There has been a suspicion from the start that Billy Carter was tipped off by someone on the inside last May or June that the Justice Department had obtained hard evidence that he had received \$220,000 from the Libyan government and was therefore subject to prosecution for failing to register as a foreign agent.

Until then, Billy Carter, who had been under investigation for almost 18 months, had refused to cooperate with investigators and had publicly denied that he was acting as a paid Libyan agent. The fact that Billy suddenly changed his attitude and voluntarily visited the Justice Department on June 11 to answer questions on his Libyan connection led to

speculation that he had been tipped off, an allegation that has been repeatedly denied by the White House and Justice.

RIGHT NOW, THE FOCUS of Shaheen's investigation is on Civiletti, who has insisted that he followed a "hands-off" policy on the Billy Carter case, leaving the investigation and the decision of whether or not to prosecute Billy to his subordinates handling the probe.

Civiletti's hands-off description was contradicted by Associate Attorney General Robert Keuch, who told the Senate investigating committee Wednesday that his boss had shown a highly unusual interest in the investigation.

Officials in the FBI who are familiar with the Billy Carter case, without mentioning Civiletti by name, have charged privately that the entire investigation was handled politically, from the beginning to the final decision to let the President's brother off the hook by merely agreeing to belatedly register as a foreign agent for Libya.

Civiletti's explanation for his failure to turn over intelligence information that Billy Carter was in line for a substantial payoff from Libya was met with widespread disbelief and even ridicule by knowledgeable officials yesterday.

The attorney general received the information personally from the head of a highly secret intelligence agency on April 12 but did not release it to his own investigators until May 30, when FBI agents dug up proof of the payoffs on their own. Civiletti said in a statement released at the Justice Department that he merely told Assistant Attorney General Phillip Heymann that he had learned of "highly sensitive intelligence information" and that the Billy Carter investigation should not be closed.

CIVILETTI SAID HE WAS not more specific to Heymann because he did not want to "compromise" the intelligence source or "abort" the payment to Billy, which may not have been actually paid at that time.

But Heymann, head of the criminal division, and the investigators involved in the case, who were from the same division that handles espionage investigations, had the highest possible security clearances and could be counted on to safeguard any secret intelligence sources.

One official pointed out that the fact that Civiletti did not make available the intelligence information regarding the Libyan payoff until after the investigators learned of it through other sources raised the question of whether he ever intended to turn the information over.

Another official observed that if Civiletti had turned the information on the payment to Billy over to investigators when he first obtained it, the Billy Carter case might have been broken publicly in April, instead of July.

"This might have surfaced right in the middle of the presidential primaries," one official said. "And of course it could have been politically damaging to President Carter."